

REMARKS

Claim 38 has been amended.

Claims 38-43, 62, and 70 remain in the application.

Reexamination and reconsideration are respectfully requested in view of the amendment and the remarks that follow.

The amendment to claim 38 clarifies that the overwrap is removable, that it envelopes the source of photoactive material within the kit, and that it includes a light filtering material that is not transparent to light that activates the photoactive material, thereby preventing degradation of the photoactive material prior to use removal of the overwrap. Claim 38 as amended as clarifies that the transfer container includes a material that is transparent to light that activates the photoactive material, and further defines the overwrap as being separate from the wall of the container. It is believed that these amendments overcome the Section 112 rejection, as well as follow the Examiner suggestions in the Response to Arguments section of the Office Action.

The claims stand rejected under 35 U.S.C. §103, based either upon Foley (US 6,319,662) or Bischof (US 5,300,019) and Foley (US 6,319,662). The walls of the container 10 in Foley are transparent to light that activates the photoactive material, allowing the light to pass and reach the photoactive material, so that photoactivation can occur. Neither Foley nor Bischof and Foley teach or suggest a kit that includes a source of photoactive material to be mixed with a blood constituent, which is enveloped by a removable overwrap that is separate from the wall of the container 10 and that includes a light filtering material that is not transparent to light that activates the photoactive material, thereby preventing degradation of the photoactive material prior to removal of the overwrap. While the use of overwraps per se is known, what is not known, taught, or suggested is the incorporation of a light filtering material in an overwrap in a kit that contains a photoactive material.

Allowance of claims 38 to 43, 62, and 70 is thereby respectfully requested.

Respectfully Submitted,

By


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20 July, 2004
031020 - Amendment D